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TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

CLASS AND TYPE DESIGNATIONS OF CORDIALS OR LIQUEURS

MARCH 3, 1938.

To All Bottlers of Distilled Spirits:

The attention of all bottlers of distilled spirits is called to the following interpretations of the regulations with respect to class and type designations of cordials or liqueurs, and to the use upon any distilled spirits labels of references to the absence of artificial coloring or flavoring material:

1. *Appropriate type designations for cordials or liqueurs.*— The industry has heretofore been advised, in connection with the labeling of cordials or liqueurs, that no type designation may be utilized where such designation, in conjunction with the class designation, would tend to confuse the consumer as to the true identity of the product. For example the Administration has refused to authorize any cordials or liqueurs, regardless of composition, to be marketed under such designations as "Whiskey Liqueur," "Brandy Cordial," "Rum Liqueur" or "Gin Cordial."

The Administration recognizes, however, that a liqueur may properly bear, as a part of its designation, the name of another distilled spirit where such use would not tend to confuse the consumer as to the true identity of the product. No objection has, therefore, been interposed to the use of such designations as "Rock and Rum Liqueur," "Rock and Rum Cordial," "Rock and Rum," "Rock and Gin Liqueur," "Rock and Rye Liqueur," "Rock and Rye Cordial" and "Rock and Rye."

Of course, no product may bear the designations "cordial" or "liqueur" unless it conforms to the standards of identity for such products as prescribed in Section 21, Class 6 of Regulations No. 5.[1]

2. *Composition of "Rock and Rye" and similar products.*— It has recently been called to the Administration's attention that products manufactured from neutral spirits or brandy, and containing little or no rye whiskey, are being marketed under labels designating the product as "Rock and Rye," "Rock and Rye Liqueur," or "Rock and Rye Cordial." A similar situation appears to exist in some cases with respect to products designated as "Rock and Rum," "Rock and Rum Cordial" and "Rock and Rum Liqueur." This practice should be immediately discontinued.

The Administration feels that these designations convey to the consumer's mind a definite impression with respect to the ingredients used in the manufacture of the product. The designations "Rock and Rye," "Rock and Rye Liqueur," and "Rock and Rye Cordial" all denote products manufactured from rock candy, or rock candy syrup, and having a predominate rye flavor derived from rye whiskey. Likewise the designations "Rock and Rum," "Rock and Rum Liqueur," and "Rock and Rum Cordial" denote products manufactured from rock candy, or rock candy syrup, and having a predominant rum flavor derived from rum. Manufacturers of cordials and liqueurs are, therefore, advised that under the regulations of the Administration no product which contains any distilled spirits other than rum may be designated as "Rock and Rum," "Rock and Rum Liqueur," or "Rock and Rum Cordial." Likewise no product may be designated as "Rock and Rye," "Rock and Rye Liqueur" or "Rock and Rye Cordial" if it contains any distilled spirits other than (a) rye whiskey, (b) straight rye whiskey, (c) blended rye whiskey or (d) spirit whiskey composed of not less than 51% of rye whiskey.

3. *References to the absence of artificial color and flavor.*— Representations have been made to the Administration by manufacturers of cordials, liqueurs and other products to the effect that the statements "not artificially colored" and "not artificially flavored", now appearing upon the labels of competitors' products, are disparaging. After carefully considering these complaints, and upon the basis of information now at hand with respect to competitive marketing practices, it has been determined that these statements are, in fact, disparaging within the meaning of Section 41 (a) (2) of Regulations No. 5.[1] All bottlers of distilled spirits now using labels upon which appear the statements "not artificially colored" or "not artificially flavored" are, therefore, advised to revise the same promptly, and obtain new certificates of label approval. In view of the fact that the labels referred to have heretofore been approved by the Administration, a reasonable time will be allowed within which to make the necessary adjustments to conform to this ruling.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 38-661; Filed, March 3, 1938; 3:21 p. m.]

[1] 1 F. R. 94.

FEDERAL COMMUNICATIONS COMMISSION.

PROPOSED AMENDMENT TO RULE 117 WITH RESPECT TO THE POWER OF BROADCAST STATIONS ON CLEAR CHANNELS

The Commission at a meeting held February 21, 1938, directed that a hearing be held beginning 10:00 o'clock A. M., May 16, 1938, at its offices in Washington, D. C., to determine whether or not Rule 117 should be amended with respect to the power of broadcast stations on clear channels, and in particular to determine what limit, if any, should be placed upon the power to be authorized for any such stations.

It further directed that at said hearing and to be consolidated therewith, the Commission will hear all pending applications for permits, modification or renewal of licenses, experimental or regular, which request power increases in excess of that permitted by the existing Rule.

[1] 1 F. R. 98.

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The Commission directed the Secretary to send notices of the time and place of said hearing and the issues to be determined thereon, to the licensees of all existing broadcast stations and all pending applicants for broadcast facilities, as well as any other parties who may have an interest in such proceedings.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 38-663; Filed, March 4, 1938; 10:00 a. m.]

FEDERAL HOME LOAN BANK BOARD.

LIMITING THE POWERS OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS TO SELL AND SERVICE LOANS

AMENDMENT TO RULES AND REGULATIONS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), subsection (d) of Section 42 [1] of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended by inserting immediately following the first sentence thereof the following:

"No association shall sell loans in an amount during any calendar year in excess of 25 per cent of the total amount of loans originated during such period. No association shall commit itself to service loans not held by it unless originated by it and in no event in an aggregate amount in excess of its share capital on the last day of the month next preceding any service commitment. The limitation upon the sale of loans may be adjusted in the case of any Federal association upon application to and approval by the Board, or waived for any specific transaction for the benefit of any Federal association by the president of the Federal Home Loan Bank of which it is a member when such Federal association requires cash for purposes other than for the making of loans."

Be it further resolved, That, it being deemed that this amendment is of an emergency character, said amendment shall be effective immediately.

Adopted by the Federal Home Loan Bank Board on March 3, 1938.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 38-672; Filed, March 4, 1938; 12:50 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT-5484 and IT-5485]

IN THE MATTER OF ALBANY LIGHTING COMPANY

ORDER FIXING DATE OF HEARING

MARCH 1, 1938.

Commissioners participating: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) The Village of Albany, Illinois, an incorporated village, by complaint filed on August 14, 1937, alleged that the rates for electric energy charged and collected by the Albany Lighting Company, a corporation of the State of Iowa, were excessive, unjust and unreasonable, and prayed that after investigation fair and reasonable rates be established by the Commission; and

(b) On September 7, 1937, the Commission, upon its own motion, instituted an investigation to determine whether rates and charges made, demanded or received by Albany Lighting Company, for or in connection with the transmission or sale of electric energy to the Village of Albany, Illinois, and all rules and regulations affecting or pertaining to such rates and charges, are just and reasonable;

[1] 1 F. R. 2108.

The Commission orders that:

A hearing upon said complaint and with respect to all matters involved in said investigation be held on March 28, 1938, at 10 a. m. in the Regional Office of the Commission, Room 968, Merchandise Mart, Chicago, Illinois.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 38-662; Filed, March 4, 1938; 10:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1938.

[File No. 43-105]

IN THE MATTER OF AMERICAN LIGHT & TRACTION COMPANY, SAN ANTONIO PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by American Light & Traction Company, a registered holding company, and its subsidiary, San Antonio Public Service Company, regarding the sale by American Light & Traction Company of not exceeding $3,500,000 principal amount of First Mortgage and Refunding Gold Bonds, Series B, 5%, due January 1, 1958, of San Antonio Public Service Company; and regarding the alteration of the rights of the holders of such issue of securities by restricting the power of the issuer company to issue additional bonds (1) by reducing the amount of bonds issuable against net property additions from 80% to 70% thereof; (2) by excluding from net property additions (a) additions made before January 1, 1938, (b) additions outside the State of Texas, and (c) property used in furnishing transportation; (3) by requiring that earnings equal twice interest charges; and (4) by forbidding the refunding of bonds retired through the sinking fund;

It is ordered, That a hearing in such matter be held on March 14, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 12, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-669; Filed, March 4, 1938; 11:19 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1938.

[Files No. 46-92, 46-93, 43-104, 51-10, 51-11]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY, GULF STATES UTILITIES COMPANY, BATON ROUGE ELECTRIC COMPANY, LOUISIANA STEAM GENERATING CORPORATION

NOTICE OF AND ORDER FOR HEARING

The following applications and declaration having been filed with this Commission, pursuant to provisions of the Public Utility Holding Company Act of 1935, by Engineers Public Service Company, a registered holding company, and by Gulf States Utilities Company, Baton Rouge Electric Company and Louisiana Steam Generating Corporation, subsidiary companies of said Engineers Public Service Company, regarding transactions incident to a plan for the consolidation of the business and properties of said Baton Rouge Electric Company and Louisiana Steam Generating Corporation (except the bus business and properties of the company first-named) with those of said Gulf States Utilities Company:

Engineers Public Service Company has applied (File No. 46-92), pursuant to Section 10 of the Act, for approval of its acquisition of all the capital stock, to consist of 2,000 shares without par value of a new corporation to be formed under the laws of the State of Louisiana for the purpose of purchasing, at the depreciated book value thereof, and operating the bus business and properties of Baton Rouge Electric Company, the price to be paid by applicant to be an amount (estimated at $127,544.48) sufficient to effect such purchase and to provide working capital for the new company.

Gulf States Utilities Company has applied (File No. 46-93), pursuant to Section 10 of the Act, for approval of its acquisition of all the outstanding common stock of Baton Rouge Electric Company and all the outstanding capital stock of Louisiana Steam Generating Corporation, to be donated to it by Engineers Public Service Company, and of so much of the preferred stock of Baton Rouge Electric Company as may be received by it as a result of an offer of exchange to be made to public holders of such preferred stock, and for approval of the acquisition of all the business and physical properties of said companies (except the bus business and properties of Baton Rouge Electric Company), in consideration of the surrender for cancellation of all of the preferred and common stock of said companies theretofore acquired by applicant, the payment to Baton Rouge Electric Company of cash sufficient to redeem, at the call price of 110, the balance of that company's preferred stock publicly held, and the assumption by applicant of the liabilities of Baton Rouge Electric Company and Louisiana Steam Generating Corporation;

Gulf States Utilities Company has filed a declaration (File No. 43-104), pursuant to Section 7 of the Act, regarding the issue and sale of a maximum of 6,210 shares of $6 Dividend Preferred Stock, to be exchanged for a corresponding number of the $6 Dividend Preferred Stock of Baton Rouge Electric Company, declarant paying the difference between the then market price of its preferred stock and the redemption price of the preferred stock of Baton Rouge Electric Company, the assumption by declarant of the outstanding securities of Baton Rouge Electric Company (First Mortgage Bonds, Series A, 5½%, due June 1, 1954, in the principal amount of $954,000, and Series B, 5%, due February 1, 1959, in the principal amount of $2,000,000, and 3% unsecured notes payable to Engineers Public Service Company, $215,000 principal amount due April 25, 1938 and $30,000 principal amount due October 25, 1938) and of Louisiana Steam Generating Corporation (3% unsecured

note payable to Engineers Public Service Company, due November 19, 1940, in the principal amount of $1,875,000), and regarding the amendment of declarant's charter so as to give its preferred stockholders one vote per share for the election of directors and all other purposes;

Baton Rouge Electric Company and Louisiana Steam Generating Corporation have applied (File No. 51-10 and File No. 51-11, respectively), pursuant to Rule 12C-2, for approval of the payment to Gulf States Utilities Company, their then sole stockholder, of dividends in complete and final liquidation, prior to their dissolution.

It is ordered, That a hearing on such matters be held on March 22, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 17, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-671; Filed, March 4, 1938; 11:20 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3rd day of March, A. D. 1938.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS-NORRIS TRACT, FILED ON FEBRUARY 10, 1938, BY S. LEROY ESTES, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered, That consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered, That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding [1] be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-668; Filed, March 4, 1938; 11:19 a. m.]

[1] 3 F. R. 597 (DI).

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 3rd day of March, 1938.

[File No. 1-2946]

IN THE MATTER OF THE SILEX COMPANY COMMON STOCK, No PAR VALUE

ORDER GRANTING REQUEST TO WITHDRAW APPLICATION AND TERMINATING PROCEEDING

The Silex Company, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange; and

The Commission having ordered that the matter be set down for hearing on March 3, 1938;[1] and

Said issuer having requested permission from the Commission to withdraw its application;

It is ordered, That said request be and the same is hereby granted and that this proceeding be and the same is hereby terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-670; Filed, March 4, 1938; 11:19 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of February, 1938.

[File No. 1-136]

IN THE MATTER OF MINNEAPOLIS-MOLINE POWER IMPLEMENT COMPANY CONVERTIBLE $6.50 CUMULATIVE PREFERRED STOCK AND COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Minneapolis-Moline Power Implement Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Convertible $6.50 Cumulative Preferred Stock and Common Stock from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 o'clock A. M., on Tuesday, March 22, 1938, in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-664; Filed, March 4, 1938; 11:18 a. m.]

[1] 2 F. R. 2610 (DI).

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March, 1938.

[File No. 1-865]

IN THE MATTER OF NICHOLAS-BEAZLEY AIRPLANE COMPANY, INCORPORATED, COMMON STOCK, $5 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike from listing and registration the Common Stock, $5 Par Value, of the Nicholas-Beazley Airplane Company, Incorporated; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 2:00 o'clock P. M., on Tuesday, March 29, 1938 in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-665; Filed, March 4, 1938; 11:18 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of March, 1938.

[File No. 1-1554]

IN THE MATTER OF RUTLAND RAILROAD COMPANY FIRST CONSOLIDATED MORTGAGE 4½% GOLD BONDS DUE JULY 1, 1941; AND RUTLAND-CANADIAN RAILROAD COMPANY FIRST MORTGAGE 4% GOLD BONDS DUE JULY 1, 1949

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Boston Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike from listing and registration the Rutland Railroad Company First Consolidated Mortgage 4½% Gold Bonds due July 1, 1941 and the Rutland-Canadian Railroad Company First Mortgage 4% Gold Bonds due July 1, 1949; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 o'clock A. M., on Friday, March 25, 1938, at 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James J. Caffrey, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-666; Filed, March 4, 1938; 11:18 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March, 1938.

[File No. 1-429]

IN THE MATTER OF STUTZ MOTOR CAR COMPANY OF AMERICA, INCORPORATED, CAPITAL STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Capital Stock, No Par Value, of Stutz Motor Car Company of America, Incorporated; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 o'clock A. M., on March 30, 1938, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-667; Filed, March 4, 1938; 11:18 a. m.]